

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

LOUISIANA MUNICIPAL POLICE  
EMPLOYEES RETIREMENT SYSTEM,  
Derivatively and on Behalf of CITIGROUP,  
INC.,

Plaintiff,

vs.

JOHN A. THAIN, CAROL T. CHRIST,  
ARMANDO M. CODINA, JUDITH MAYHEW  
JONAS, VIRGIS W. COLBERT, ALBERTO  
CRIBIORE, AULANA L. PETERS, CHARLES  
O. ROSSOTTI, JOHN D. FINNEGAN, JOSEPH  
W. PRUEHER, ANN N. REESE, E. STANLEY  
O'NEAL, NELSON CHAI, GREGORY J.  
FLEMING, ROBERT J. MCCANN, PETER S.  
KRAUS, JEFFREY N. EDWARDS, ERIC  
HEATON, AHMASS L. FAKAHANY, DOW  
KIM, THOMAS K. MONTAG, DAVID  
SLOBOTKA, JEFF SCHULTZ, SCOTT  
BROWN, THOMAS J. MURRAY, FRANCES  
M. CONSTABLE, JOHN PRICE, MARY  
ROONEY, MARTIN MAURO, KEVIN J.  
CONERY, DEREK SIN, JOHN MAIER AND  
ROSEMARY T. BERKERY,

Defendants,

and

MERRILL LYNCH & CO., INC.,

Nominal Defendant.

Case No. 08 CV 7375

**NOTICE OF DISMISSAL  
PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 41(a)**

Plaintiff, by its undersigned attorneys, hereby dismisses this action voluntarily pursuant to

Federal Rule of Civil Procedure 41(a). The reason for the dismissal is that the case caption mistakenly identifies the plaintiff as suing on behalf of Citigroup, Inc.

Dated: August 28, 2008

KAHN GAUTHIER SWICK, LLC

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Employees Retirement System*